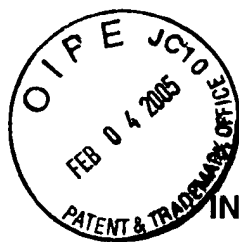


02-07-05

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2121



PATENT  
Customer No. 22,852  
Attorney Docket No. 09695.8050-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
NELKEN ) Group Art Unit: 2121  
)  
Application No.: 10/008,152 ) Examiner: George B. Davis  
)  
Filed: December 4, 2001 ) Confirmation No.: Unknown  
)  
For: SYSTEM AND METHOD FOR )  
AUTOMATIC TASK )  
PRIORITIZATION )

**RECEIVED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FEB 22 2005**

Technology Center 2100

**FILING PURSUANT TO PATENT  
INTERFERENCE NO. 105,248 (NELKEN v. HORVITZ)**

Pursuant to the "Summary of Telephone Conference and Related Order" (hereafter "Order") dated January 13, 2005, a copy of which is attached, the undersigned is providing the Examiner with the following information. More specifically, the undersigned was ordered to reproduce for the Examiner the Count in the above interference, provide a copy of the Order and identify the relevant portion of the Order for the Examiner.

Count 1 in this interference is reproduced below, and the Examiner's attention is directed to page 2 of the Order, specifically the paragraphs numbered 1-4. With respect to paragraph 3 of the Order, the undersigned notes that neither he nor his firm is handling prosecution of the cases identified on Horvitz's list of motions. By copy of this

paper and the attached Order, the prosecuting attorneys are notified of the obligations of paragraphs 3 and 4 of the Order.

Count 1

The Count is claim 1 of U.S. Patent No. 6,408,277 to Nelken or claim 36 of the Horvitz Application No. 09/364,527. The claims are not identical, so claims 1 and 36 are reproduced below.

1. A system for automatic task prioritization, comprising:
  - a decision engine configured to receive tasks and to determine a priority of each task;
  - at least one task queue configured to store said prioritized tasks in order of priority; and
  - a monitoring module configured to monitor tasks selected from said task queue by at least one agent and to forward said selected tasks and a priority code associated with each selected task as feedback to said decision engine such that said decision engine uses said feedback to update priority criteria, which include rules for prioritizing the tasks.
36. A system for automatic prioritizing of text, comprising:
  - a text classifier trained to receive text and to determine a priority for each received text;
  - at least one storage media configured to store received text in order of priority; and
  - an implicit training module configured to continually watch text

selected by a user while working, the selected text having an assigned priority and comprising new training messages to the text classifier, such that the text classifier is updated by training in the background using the new training messages for enhancing priority decision making.

The Examiner is requested to contact the undersigned or the prosecuting attorneys of record with any questions regarding the above matters.


Please charge any required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Date: February 4, 2005

By:

  
Mike McGurk  
Reg. No. 32,045

Enclosure:

Summary of Telephone Conference and Related Order

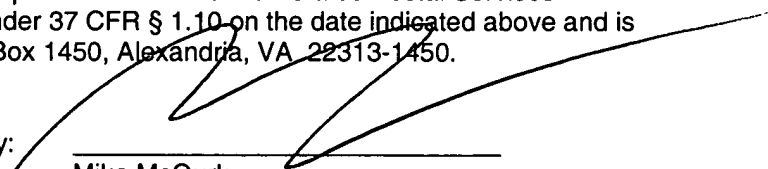
**CERTIFICATE OF EXPRESS MAIL UNDER 37 CFR § 1.10**

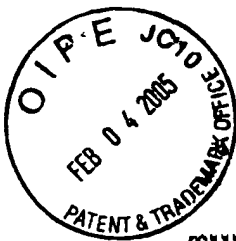
EV 411565755 US  
USPS Express Mail Label Number

February 4, 2005  
Date of Deposit

I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

  
Mike McGurk



**THIS DOCUMENT WAS NOT WRITTEN FOR PUBLICATION  
AND IS NOT BINDING PRECEDENT OF THE BOARD**

Filed by: Judge Jameson Lee  
Mail Stop INTERFERENCE  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
Tel: 703-308-9797 Fax: 703-305-0942

Paper No. 33

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

**YORAM NELKEN**  
Junior Party  
(Patent 6,408,277),

v.

**ERIC HORVITZ**  
Senior Party  
(Application 09/364,527).

Patent Interference No. 105,248



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**FEB 22 2005**

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Before LEE, Administrative Patent Judge.

**Summary of Telephone Conference  
and Related Order**

On January 12, 2005, a telephone conference was held between the administrative patent judge and respective counsel for the parties to discuss the items contained in each party's intended motions list. Requests for filing priority motions were acknowledged but counsel for the parties were told that they will not be considered until an appropriate time in due course since determination of priority has been deferred. The filing of a motion for judgment based on prior art, identified as Item 1 on party Nelkin's list, was authorized and counsel for Nelkin was instructed to limit the attack on each Horvitz claim to one ground under 35 U.S.C. § 102 and one ground under 35 U.S.C. § 103. Nelkin must pick the best prior art to assert against Horvitz and not file a multiplicity of alternative assertions.

Interference No. 105,248  
Nelken v. Horvitz

As for all the items on party Horvitz's list, which should have been numerically numbered to facilitate identification, counsel for Horvitz agreed to withdraw each request if the administrative patent judge would order that party Nelkin would keep the examiner in each identified application up-to-date as to the count in this interference and would invite the examiner to determine, prior to issuance of those applications, whether those cases contain claims drawn to the same patentable invention as the count in this interference and if so to suspend prosecution pending the outcome of this interference. Counsel for both parties indicated that the administrative patent judge had issued a similar order in at least one other interference and that both parties would be satisfied if the same could be done in this case to obviate the motions identified on party Horvitz's list. The administrative patent judge found the proposal acceptable. Therefore, all items identified on party Horvitz's motions list are considered withdrawn insofar as filing of motions by Horvitz are concerned, and it is

**ORDERED** that in each of the applications identified on Horvitz's list of motions served on January 10, 2005 (Paper No. 32), party Nelkin shall:

1. Inform the examiner of the current count in this interference;
2. Keep the examiner continuously updated as to any change to the count, as well as any additional or substituted counts in this interference;
3. Immediately upon receiving indication of allowable subject matter in the application, invite the examiner to determine whether any allowed claim corresponds to the count in this interference and whether issuance of the application should be suspended pending the outcome of this interference;
4. When communicating with the examiner with regard to Items 1-3 above, enclose a copy of this communication.

January 13, 2005

Interference No. 105,248  
Nelken v. Horvitz

By Facsimile:

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